

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GCube Insurance Services, Inc., individually and
on behalf of Certain Underwriters at Lloyds
London, Subscribing to Policy SO 174415602,

Plaintiff,

—v—

Neighborhood Power Corporation,

Defendant.

20-cv-04912 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. Courts have an independent obligation to determine whether subject matter jurisdiction exists. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 501 (2006).


Defendant Neighborhood Power Corporation (“Neighborhood Power”) removed this action from New York Supreme Court, invoking the Court’s subject matter jurisdiction by reason of diversity of citizenship. The Notice of Removal alleges that Plaintiff GCube Insurance Services, Inc. is a citizen of the state of California. Dkt. No. 1 ¶ 6. It further alleges that Defendant Neighborhood Power is a corporation “authorized to do business in the State of New York” with its principal place of business located in Kahului, Hawaii, but the Notice of Removal does not allege Neighborhood Power’s state of incorporation. Dkt. No. 1 ¶ 7. The original Complaint, meanwhile, alleges that Neighborhood Power is a “California corporation.” Dkt. No. 1, Ex. B, at ¶ 3.

“For jurisdictional purposes, a corporation is deemed to be a citizen both of the state in which it has been incorporated and the state in which it has its principal place of business.”

Advani Enters., Inc. v. Underwriters at Lloyds, 140 F.3d 157, 161 (2d Cir. 1998).

Within ten days of the date of this Order, Defendant shall amend its Notice of Removal to fully allege the citizenship of Neighborhood Power, including the state of incorporation and principal place of business. If, by the foregoing date, Defendant is unable to amend to truthfully allege complete diversity of citizenship, then the case will be dismissed for lack of subject matter jurisdiction without further notice to any party.

Dated: July 9, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written above a horizontal line.

ALISON J. NATHAN
United States District Judge